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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,765	11/18/2003	Robert E. Sinclair II	304557.01	5254
22971 7590 01/24/2008 MICROSOFT CORPORATION ONE MICROSOFT WAY REDMOND, WA 98052-6399			EXAMINER SAINT CYR, LEONARD	
			ART UNIT 2626	PAPER NUMBER
			NOTIFICATION DATE 01/24/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/715,765	<b>Applicant(s)</b> SINCLAIR, ROBERT E.	
	<b>Examiner</b> Leonard Saint-Cyr	<b>Art Unit</b> 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 -3, 5 - 9, 11, 24 - 26, 32, and 37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 -3, 5 - 9, 11, 24 - 26, 32, and 37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### Withdrawal of Finality

1. The examiner withdraws the finality, but the claims are rejected in view of new ground of rejection.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 - 3, 5 - 10, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Roskind et al., (US PAP 2004/0127198).

As per claim 1, Roskind et al., teach one or more computer- readable media having executable instructions stored thereon that, when executed, implement a method comprising:

providing a set of modes for interacting with a computing device, at least some of the modes selectable by a user of the computing device, the modes being associated with settings of the computing device, the computing device interacting with the user in a first mode ("alert a user to an incoming communication by an audible mode"; paragraph 6, lines 9 - 12);

detecting a change in light incident to a display of the computing device; determining at least one of the settings to change in response to the change in light incident to the display of the computing device; and changing the at least one of the settings to cause the computing device to interact with the user in a second mode ("a detected level of light...the notification mode may be adjusted from visual notification to an audible notification"; paragraph 6, lines 24 – 29).

As per claim 2, Roskind et al., further disclose querying the user as to whether the user wants to interact with the computing device in the second mode ("the notification mode also may be changed in response to user confirmation"; paragraph 6, lines 3 – 5).

As per claim 3, Roskind et al., further disclose changing the setting is automatically done in response to the characteristic having changed ("automatically changed without user manipulation in response"; paragraph 6, lines 1 - 4).

As per claims 5, and 8, Roskind et al., further disclose that before the setting is changed, the display displays at a first intensity and wherein after the setting is changed, the display displays at a second intensity, wherein detecting that the characteristic has changed again and in response adjusting the display to display at the first intensity ("the brightness used for a display may be adjusted based on the level of light in the environment"; paragraph 75, last three lines).

As per claims 6, and 7, Roskind et al., further disclose the setting causes output to come from an audio device; wherein the output is speech (paragraph 6, line 8).

As per claim 9, Roskind et al., teach one or more computer- readable media having executable instructions stored thereon that, when executed, implement a method comprising:

detecting a change in ambient noise surrounding a computing device ("detect ambient noise levels"; paragraph 32, lines 11 – 13);

changing a volume setting to cause the computing device to change a speaker volume from a first volume level to a second volume level in response to the change in ambient noise (" the volume of an audible notification mode may be changed based on a detected environmental sound level"; paragraph 19).

As per claim 11, Roskind et al., further disclose that a speaker associated with the computing device stops outputting sound when the ambient noise is greater than or equal to a threshold (paragraph 37, lines 1 – 5).

4. Claim 37 is rejected under 35 U.S.C. 102(e) as being anticipated by Bear et al., (US PAP 2004/0225502).

As per claim 37, Roskind et al., teach a system for interacting with a user, comprising:

a keyboard configured to enter data into the system, said keyboard including a plurality of keys (paragraph 24);

one or more sensors to detect that the user has difficulty in pressing multiple keys simultaneously; an engine configured to query the user regarding whether the user wants to enable sticky keys; and wherein the engine is further configured to enable sticky keys if the user indicated that the user wants to enable sticky keys ("operating in the hold and release mode until the record button is again pressed"; paragraphs 56, and 60)

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 24 - 26, and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Ron (US Patent 5,647,834).

As per claims 24, and 25, Ron teaches one or more computer- readable media having executable instructions stored thereon that, when executed, implement a method comprising:

providing a plurality of computing device features to a user; detecting when an anxiety level of the user has increased, simplifying the plurality of features provided to the user in response to the increased level of user anxiety; wherein simplifying the plurality of features occurs automatically ("anxiety as interpreted from heart rate change"...reducing his heart rate and thus changing the content; col.7, lines 30 – 40).

**Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see PTO- 892 (attached).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonard Saint-Cyr whose telephone number is (571) 272- 4247. The examiner can normally be reached on Mon- Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602. The fax phone number for the organization where this application or proceeding is assigned is (571)- 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LS  
01/16/08

  
RICHEMOND DORVIL  
SUPERVISORY PATENT EXAMINER